THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 23527 of 1999

DATE: 08-10-2007

Between :

Sandipamu Kannaiah and 3 others.

… Petitioners

And

Revenue Divisional Officer,
Vijayawada and 3 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 23527 of 1999

ORDER:

This writ petition is filed aggrieved by the order passed by the first respondent-Revenue Divisional Officer, Vijayawada dated 05-10-1999, whereunder the appeal preferred by the 4th respondent herein under Section 4-A of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') was allowed. The petitioners herein claim that the land in question measuring Ac.2.05 cents situated in Sy.No.238/4 of Ganapavaram Village was assigned in favour of the petitioners' grandfather in the year 1930. The father of the petitioners by name K.Nagaiah made a complaint before the Mandal Revenue Officer stating that the said assigned land was alienated to the 4th respondent herein in violation of the provisions of the Act and accordingly praying for restoration of the lands. After conducting due enquiry, the Mandal Revenue Officer passed an order dated 24-08-1987 holding the lands purchased by the 4th respondent being assigned lands the transfer was in contravention of Section 3(2) of the Act. Accordingly, the Mandal Revenue Inspector was directed to take possession of the land and handover the same to the legal heirs of the original grantee i.e. petitioners herein.

Aggrieved by the same, the 4th respondent herein preferred an appeal before the Revenue Divisional Officer-first respondent. The first respondent having recorded a finding that the land in question was a patta land but not an assigned land, allowed the appeal and set aside the order passed by the Mandal Revenue Officer dated 24-08-

1987. There was also a direction to the Mandal Revenue Officer to take action for restoration of the land to the 4th respondent herein.

Heard the learned counsel for both the parties and perused the material on record.

At the out set it is to be noted that the plea that the land in question is not a government land was taken by the 4th respondent for the first item by way of additional grounds in Appeal before the 1st respondent. It is contended by the learned counsel for the petitioners that no finding as such can be recorded on that issue unless a detailed enquiry is conducted after giving an opportunity to the petitioners to establish their plan that it is a government land.

In the absence of any material to show that such enquiry was conducted, I am of the opinion that the matter requires reconsideration after giving an opportunity to the petitioners as well as the 4th respondent to substantiate their respective claims.

Accordingly, the impugned order dated 05-10-1999 is hereby set aside and the writ petition is disposed of with a direction to the first respondent to give an opportunity to both the parties to put forth their version and then pass appropriate orders in accordance with law. Such exercise shall be completed as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J

Date: 08-10-2007
KLP